



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY: California Sea Urchin
Commission

AMENDMENT

STATE AGENCY: Office of the Lieutenant
Governor

MULTI-COUNTY: Lowell Joint School District

A written comment period has been established commencing on **April 20, 2007**, and closing on **June 4, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 4, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD
PROPOSES TO AMEND AND ADOPT THE
FOLLOWING REGULATION SECTIONS,
ALONG WITH ASSOCIATED FORMS, TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
RELATING TO LEROY F. GREENE
SCHOOL FACILITIES ACT OF 1998

**THE FOLLOWING REGULATION
SECTIONS ARE AMENDED**

1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81,
1859.81.1, 1859.81.2, 1859.103 AND 1859.104

THE FOLLOWING FORMS ARE AMENDED

Application for Funding, Form SAB 50-04, (Revised 02/07), referenced in Regulation Section 1859.2
Expenditure Report, Form SAB 50-06, (Revised 02/07), referenced in Regulation Section 1859.2

**THE FOLLOWING REGULATION
SECTIONS ARE ADOPTED**

1859.180, 1859.181, 1859.182, 1859.183 AND
1859.184.

THE FOLLOWING FORM IS ADOPTED

Overcrowding Relief Grant District-Wide Eligibility Determination, Form SAB 50-11, (New 02/07), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced regulation sections, along with associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office

of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and adopt the above-referenced regulation sections under the authority provided by Sections 17070.35, 17072.13, 17075.15, 17079.30 and 17592.73 of the Education Code. The proposals interpret and make specific reference to Sections 17052, 17070.35, 17070.51, 17070.63, 17070.99, 17071.25, 17071.75, 17071.76, 17072.12, 17072.13, 17072.15, 17072.20, 17073.15, 17074.10, 17074.32, 17075.10, 17075.15, 17076.10, 17077.40, 17079, 17079.10, 17079.20 and 17079.30 of the Education Code.

**INFORMATIVE DIGEST/POLICY OVERVIEW
STATEMENT**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State Allocation Board (SAB), at its February 28, 2007 meeting, adopted a regulatory action to amend and adopt various School Facility Program (SFP) regulation sections and three associated forms. The proposed amendments implement the Overcrowding Relief Grant (ORG) Program established by Assembly Bill (AB) 127, Chapter 35, Statutes of 2006 (Perata/Nunez). There is \$1 billion dollars available for funding for the ORG Program, which was approved by the voters in Proposition 1D at the November 7, 2006 General Election. The ORG Program is established for the purpose of reducing the number of portable classrooms on overcrowded sites by replacing them with permanent classrooms at the existing or other school sites. Eligible school districts must reduce the number of portable classrooms in their districts and remove them from K-12 use.

The proposed amendments to SFP regulation sections and forms are as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for these regulations. The proposed amendments add definitions of the ORG in accordance with Education Code Sections 17079 et seq., the *Overcrowding Relief Grant Eligibility Determination* form, the calculation for ORG Pupil Eligibility, and the proposed new Form SAB 50–11, *Overcrowding Relief Grant District–Wide Eligibility Determination*.

Existing Regulation Section 1859.51 provides adjustment factors that increase or decrease a school district's baseline eligibility for new construction. The proposed amendment specifies that a district's baseline eligibility need not be reduced for pupils housed or to be housed in classrooms constructed with ORG funds specifically for that purpose.

Existing Regulation Section 1859.61 sets forth specific factors which impact a district's capacity to house pupils and therefore require adjustments to the modernization baseline eligibility. The proposed amendment specifies that a district's modernization baseline will be adjusted as a result of replaced eligible portable classrooms funded under the ORG Program.

Existing Regulation Section 1859.75.1 authorizes eligible school districts to apply for a separate apportionment for site acquisition costs if additional time is needed to remediate environmental problems. The proposed amendments specify that projects under the ORG Program may not apply for this separate site apportionment.

Existing Regulation Section 1859.81 sets forth eligibility criteria for SFP financial hardship status in order for the State to fund all or a portion of a school district's required share of project costs. Specific types of district revenues are set forth which will not thereafter be considered for subsequent financial hardship determinations. The proposed amendments clarify that ORG funds received by districts into ORG reserve fund accounts will not be considered for subsequent financial hardship determinations when the amount expended out of that fund does not exceed the amount of the site acquisition and design costs of the project, and the district has submitted an approved Form SAB 50–11. However, ORG funds which have been set aside into reserve fund accounts will be deemed as available revenues for financial hardship determinations if the school district fails to submit an approved application for ORG funding within three years, or fails to meet the fund release requirements of Section 1859.90 or the audit requirements of Section 1859.105.

Existing Regulation Section 1859.81.1 specifies that school districts meeting financial hardship criteria are eligible for a separate apportionment for site acquisition and design costs. The proposed amendments specify

that ORG projects may not receive separate apportionments for site acquisition and design costs.

Existing Regulation Section 1859.81.2 specifies that school districts meeting financial hardship criteria are eligible for a separate apportionment for district-owned site acquisition costs. The proposed amendments specify that ORG projects may not receive separate apportionments for district-owned site acquisition costs.

Existing Regulation Section 1859.103 identifies SFP project savings and establishes when and how the savings may be utilized by school districts. The proposed amendment specifies that ORG project funds are limited to eligible expenditures up to the State apportionment for the project.

Existing Regulation Section 1859.104 sets forth the program reporting requirements for school districts receiving funds under the School Facility Program, including progress reports and expenditure reports. The proposed amendment requires recipients of ORG apportionments to submit a certification that replaced portables were removed from the eligible site and from K–12 service.

Proposed adoption of Regulation Section 1859.180 requires the filing of Form SAB 50–04 to apply for ORG funding.

Proposed adoption of Regulation Section 1859.181 specifies eligibility criteria to apply for ORG Program funding. Pupil population density must be 175 percent of that recommended by the CDE based upon the 2005/2006 CBEDS Report. Applicants must submit to the CDE the *Overcrowding Relief Grant Eligibility Determination* form to verify their eligibility.

Proposed adoption of Regulation Section 1859.182 specifies applicable Form SAB 50–11 and the calculations to determine ORG pupil eligibility.

Proposed adoption of Regulation Section 1859.183 describes the determination of ORG funding to eligible school districts, and that ORG funds must be used to replace an equivalent number of portable classrooms with permanent classrooms.

Proposed adoption of Regulation Section 1859.184 sets forth the criteria for application submittal and the funding cycles. There will be a minimum of three funding cycles to apportion the ORG funds, and the SAB may authorize a fourth apportionment if funds remain. Application deadlines are January 31, 2008 for up to a maximum of \$500 million; July 31, 2008 for up to a maximum of \$300 million; and January 30, 2009 for remaining funds not allocated at the previous funding cycles, plus an additional \$200 million. Funds remaining following the third funding cycle shall be available for a subsequent funding cycle.

Existing Form SAB 50–04, *Application for Funding*, is submitted to apply for State funding for new construction or modernization projects. The proposed amendments add instructions, data fields, and district certifications to accommodate the new ORG Program funding applications.

Existing Form SAB 50–06, *Expenditure Report*, is submitted to report expenditures of State funding for new construction or modernization projects. The proposed amendments add “Page 1 of 1” in the heading and instruct school districts to submit a signed narrative that the district removed the replaced portables from the eligible school site and removed them from K–12 use.

Proposed adoption of Form SAB 50–11, *Overcrowding Relief Grant District–Wide Eligibility Determination*, is submitted by school districts to determine district–wide, high school attendance area, or super high school attendance area pupil eligibility, as part of the request for new construction funding for ORG projects.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- There will be no non–discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e–mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e–mail or fax must be received at the OPSC no later than June 4, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e–mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E–mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445–5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to

Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours.

Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO ADOPT REGULATION SECTION 1700, SUBGROUP 3.5, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO SURPLUS SCHOOL PROPERTY; USE OF PROCEEDS

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to adopt Regulation Section 1700, Subgroup 3.5, Regulations Relating to Surplus School Property; Use of Proceeds, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to adopt the above-referenced regulation section under the authority provided by Sec-

tion 17462 of the Education Code. The proposal interprets and makes specific reference to Sections 17462 and 17463.8 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

Education Code Section 17462 requires school districts to use the funds derived from the sale of surplus property for capital outlay purposes or maintenance of school district property. Prior to Senate Bill (SB) 1415, Chapter 810, Statutes of 2006, school districts could only deposit the proceeds of such sales into the district's general fund if the school district governing board and the SAB determined that for the coming five years, the district had no anticipated need for additional sites, building construction, or major deferred maintenance. If a district did not apply the proceeds as required by Education Code Section 17462, it was excluded for five years from applying to the SAB for State funding.

SB 1415 amends Education Code Section 17462 by changing the lock-out period from five years to ten years for which the school district governing board and SAB must agree the district has no anticipated need for additional sites, building construction, or major deferred maintenance. It doubles to ten years the exclusion from applying to the SAB for State funding. It thus discourages school districts from using surplus property sale proceeds for different purposes than allowed in Education Code Section 17462. In addition, SB 1415 deletes the authority for districts to use the proceeds for any general fund purposes, and requires that the proceeds be spent only for one-time expenditures and not for ongoing expenditures nor general operating expenses.

The section proposed for adoption is as follows:

The proposed adoption of Regulation Section 1700 provides definitions of "One-time Expenditures" and "Ongoing Expenditures" for the purpose of implementing Education Code Section 17462, as amended by SB 1415. The definition of "One-time Expenditures" is consistent with Education Code Section 17463.8(f). The definition of "Ongoing Expenditures" was mutually agreed upon between the California Department of Education and the Office of Public School Construction as stipulated in statute.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Di-

vision 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of implementing definitions in accordance with SB 1415.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-

mail or fax must be received at the OPSC no later than June 4, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation

coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 2. STATE LANDS COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 4.7. REGULATIONS ESTABLISHING PERFORMANCE STANDARDS FOR THE DISCHARGE OF BALLAST WATER FOR VESSELS OPERATING IN CALIFORNIA WATERS

The California State Lands Commission (the Commission) proposes to adopt the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt Section 2291, 2292, 2293, 2294, 2295, and 2286 under new Article 4.7 in Title 2, Division 3, Chapter 1 of the California Code of Regulations (C.C.R.). These sections would create regulations establishing performance standards for the discharge of ballast water for vessels operating in California waters.

PUBLIC HEARING

The Commission Staff will hold a public hearing beginning at 10:00 a.m. on June 6, 2007 at the Elihu M. Harris State Building, 1515 Clay Street, First Floor Auditorium, Oakland, CA 94612. This location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Commission requests, but does not require, that persons who make oral comments at the hearings also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5:00 p.m. on June 6, 2007. All written comments must be received at the Commission, by that time. Written comments should be submitted to:

Ravi Varma
Supervisor, Planning Branch
California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4246

AUTHORITY AND REFERENCE

P.R.C. Section 71201(d) describes the State program to regulate discharges of ballast water in order to limit the introduction of nonindigenous species. In enforcing the provisions of the Act, the Commission is authorized to adopt the proposed regulations, which would implement, interpret and make specific P.R.C. Section 71205.3.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

P.R.C. Section 71205.3, which became effective January 1, 2007, requires the Commission to adopt regulations governing interim and final performance standards for the discharge of ballast water in accordance with Tables X-1 and X-2 of the California State Lands Commission Report on Performance Standards for Ballast Water Discharges in California Waters, as approved by the Commission on January 26, 2006.

Accordingly, the proposed regulation would implement and make specific the performance standards for the discharge of ballast water under P.R.C. Section 71205.3. Without the regulations, the purpose of the Act as described in P.R.C. Section 71201(d) cannot be achieved.

Section 2291 would state the purpose of the regulation.

Section 2291(b) would specify the vessels to which these regulations apply.

Section 2291(c) would identify the date of implementation of the regulation.

Section 2292 would narrowly define several key terms that are used throughout the language of the regulation to describe management requirements and regulation applicability. These definitions ensure that the performance standards for the discharge of ballast water are clear to the shipping industry and compliance occurs as intended by the regulation.

Section 2293 would prescribe interim performance standards for the discharge of ballast water that have been deemed the most biologically effective and economically feasible actions moving the state expeditiously toward the elimination of the discharge of nonindigenous species into the waters of the state.

Section 2294 would describe the implementation schedule for interim performance standards for ballast water discharges.

Section 2295 would describe the implementation schedule for the final performance standards for ballast water discharges.

Section 2296 would describe the conditions under which an owner or operator of a vessel could delay the application of the interim performance standards for ballast water discharges.

DIFFERENCES FROM FEDERAL REGULATIONS

Recognizing the severity of the invasive species problem, the federal government implemented a mandatory national ballast water management and reporting program in September 2004 for vessels entering the United States. However, this mandatory program does not include performance standards for the discharge of ballast water. The transport of ballast water in marine vessels is recognized as a major mechanism by which aquatic nonindigenous invasive species (NIS) are spread. Current California law requires that vessels manage ballast water to reduce the discharge of nonindigenous species into California waters.

There are currently no performance standards for the discharge of ballast water for vessels that operate in California waters, even though research has shown that there is a significant threat for such voyages to facilitate the establishment and spread of NIS throughout the region.

The performance standards for the discharge of ballast water prescribed by these proposed regulations are necessary to minimize the transport of NIS into and throughout the waters of the State of California.

PLAIN ENGLISH DETERMINATION AND OVERVIEW

Small Business Determination

The Commission has determined that these regulations do not affect small businesses as defined in Government Code (Gov. C.) Section 11342.610 because all affected businesses are commercial maritime transport owners and operators, as specified under Gov. C. Section 11342.610(c)(7) and having annual gross receipts of more than \$1,500,000.

Plain English Policy Overview

The proposed regulations have been drafted in a plain and straightforward manner and do not contain technical terms that require a plain English policy overview.

ESTIMATED COSTS TO THE STATE

No costs to the State would be incurred in implementing and enforcing these proposed regulations. The pro-

grams mandated by the Act are funded exclusively by the Marine Invasive Species Control Fund through fees collected from the owners of vessels subject to the Act.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Part 7 (commencing with section 17500) of Division 4 of the Government Code: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Costs or savings in federal funding to the state: None.

Cost impact on private persons or directly affected businesses: Limited information is available from ballast water treatment technology developers and members of the regulated community. The few studies available provide a glimpse at the potential cost of implementing treatment technology alternatives to ballast water exchange, but only reflect costs associated with research and development. Cost information for a subset of treatment technologies that have been installed onboard operational vessels range from \$150,000 to \$525,000 per vessel (these costs are for equipment and installation and does not include operation costs). These costs are only representative of technologies installed under research and development conditions and are expected to decrease as the technologies become commercially available.

Since year 2000, over 6000 different vessels have operated in state waters. While vessels constructed on or after 2009 will be required to meet the interim standards in 2009, existing vessels will have seven to nine years before they must meet the interim standards.

Creation or elimination of jobs within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California: The Commission has determined that the proposed regulations will not have a significant impact on the creation or elimination of businesses within the State of California.

Expansion of businesses currently doing business within the State of California: The Commission has determined that the proposed regulations would not have a significant impact upon expansion of businesses currently doing business within the State of California.

The Commission has made an initial determination that the action will not have a significant, statewide ad-

verse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Gov. C. Section 11346.5, sub. (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the Commission's attention, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Maurya B. Falkner
Environmental Program Manager I
State Lands Commission
Marine Facilities Division
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202
Telephone: (916) 574-2568

Or to: Mark A. Meier
Senior Staff Counsel
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202
Telephone: (916) 574-1853

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Ravi Varma
Supervisor, Planning Branch
State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4246
Telephone: (562) 499-6400

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at either of the above addresses. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Ravi Varma at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ravi Varma at the address or telephone number listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations, can be accessed through the Commission's website at: http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Ballast_Water_Default.htm

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication April 20, 2007

CESA CONSISTENCY DETERMINATION
REQUEST FOR

State Water Project (SWP) Delta Operations

On April 9, 2007, the Department of Water Resources (“DWR”) notified the Department of Fish and Game (“Department”) that DWR proposes to rely on the incidental take statements issued pursuant to the *Biological Opinion for the Reinitiation of Formal and Early Section 7 Endangered Species Consultation on the Coordinated Operations of the Central Valley Project and State Water Project and the Operational Criteria and Plan to Address Potential Critical Habitat Issues* (United States Fish and Wildlife Service (February 16, 2005)) and *Biological Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria and Plan* (National Marine Fisheries Service (October 22, 2004)) such that no further authorization or approval is necessary under the California Endangered Species Act (CESA) (Fish and Game Code §§ 2050 et seq.) for the take of delta smelt (*Hypomesus transpacificus*), Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) at the Harvey O. Banks Export Facilities and Skinner Fish Protection Facility, the North Bay Aqueduct intake at Barker Slough, and Suisun Marsh facilities.

Pursuant to Fish and Game Code section 2080.1, the Department has 30 days, or until May 9, 2007, to determine whether the incidental take statements meet the requirements of CESA.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007

PROPOSED RESEARCH ON A
FULLY-PROTECTED SPECIES:

Conducting Surveys for the California Black Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Mr. Arthur E. Davenport, on behalf of Davenport Biological Services, Barstow, California, for authorization to take, for research purposes and consistent with conservation and recovery of the species, the California black rail (*Later-*

allus jamaicensis coturniculus) (rail), a Fully Protected species of bird. The proposed initial activity consists of searching for vocalizing individuals of the rail, employing broadcasts of recorded, species-specific vocalizations, to determine distribution and status of local populations. Mr. Davenport and any other person employed by Davenport Biological Services for this purpose would collect data by interpreting calls received from marsh birds responding to the tape and by observing individual rails. There would be no attempt to capture individual rails or to approach nests of the rail.

Mr. Davenport has the required appropriate State scientific collecting permit (SCP) to take birds which are native to California. The Department would ensure that any additional person employed by Davenport Biological Services to take the rail obtain an appropriate SCP prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to take the rail to Davenport Biological Services through specific written conditions in a Memorandum of Understanding (MOU), a type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the proposed research by Davenport Biological Services is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Non-game Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007

PROPOSED RESEARCH ON TWO
FULLY-PROTECTED SPECIES:

Conducting Surveys for the California Black Rail
and California Clapper Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Ms. Hildegard N. Spautz, El Cerrito, California, for authorization to take, for research purposes and consistent with conservation and recovery of each species, the California black rail (*Laterallus jamaicensis coturniculus*) (black rail) and the California clapper rail (*Rallus longirostris obsole-*

tus) (clapper rail). The black rail and the clapper rail are Fully Protected species of birds. The proposed initial activity consists of the following: 1) searching for vocalizing individuals of the black rail and clapper rail, employing broadcasts of recorded, species-specific vocalizations, to determine distribution and status of local populations; Ms. Spautz and any other person employed by her for this purpose would collect data by interpreting calls received from marsh birds responding to the broadcasts, and 2) closely approaching nests of the black rail and clapper rail, to follow the progress of eggs laid in those nests.

For the purpose of allowing take of birds which are native to California, the Department would require that Ms. Spautz and any other person employed by her for field work on the black rail and/or clapper rail obtain an appropriate State scientific collecting permit (SCP) to take birds prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to take the rail to Ms. Spautz through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the proposed research by Ms. Spautz is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Nongame Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007

PROPOSED RESEARCH ON TWO FULLY-PROTECTED SPECIES:

Conducting Take of the California Black Rail
and California Clapper Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Mr. Jules Evens, on behalf of Avocet Research Associates, Point Reyes, California, for authorization to take, for research purposes and consistent with conservation and recovery of each species, the California black rail (*Laterallus ja-*

maicensis coturniculus) (black rail) and the California clapper rail (*Rallus longirostris obsoletus*) (clapper rail). The black rail and the clapper rail are Fully Protected species of birds. The proposed initial activity consists of the following: 1) search ("survey") for vocalizing individuals of the black rail and clapper rail, employing broadcasts of recorded, species-specific vocalizations; Mr. Evens and any other person employed by him for this purpose would collect data by interpreting calls received from marsh birds responding to the broadcasts; 2) capture, or attempt to capture, the black rail, using double-door box traps, similar live-traps designed to capture small rails, or appropriately-designed mist nets; 3) handle and mark captured individuals of the black rail; and 4) salvage fail-to-hatch eggs and dead individuals of the black rail and clapper rail for analysis.

For the purpose of allowing take of birds which are native to California, the Department would require that Mr. Evens and any other person employed by him for field work on the black rail and/or clapper rail obtain an appropriate State scientific collecting permit (SCP) to take birds prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to take the rail to Avocet Research Associates through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the proposed research by Mr. Evens is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Nongame Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007

PROPOSED RESEARCH ON TWO FULLY-PROTECTED SPECIES:

Taking the California Black Rail
and California Clapper Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Mr. Michael D.

Bumgardner, on behalf of Bumgardner Biological Consulting, Gold River, California, for authorization to take, for research purposes and consistent with conservation and recovery of each species, the California black rail (*Laterallus jamaicensis coturniculus*) (black rail) and the California clapper rail (*Rallus longirostris obsoletus*) (clapper rail). The black rail and the clapper rail are Fully Protected species of birds. The proposed initial activity would consist of searching for vocalizing individuals of the black rail and clapper rail, employing broadcasts of recorded, species-specific vocalizations, to determine distribution and status of local populations. Mr. Bumgardner and any other person employed by him for this purpose would collect data by interpreting calls received from marsh birds responding to the broadcasts.

For the purpose of allowing take of birds which are native to California, the Department would require that Mr. Bumgardner and any other person employed by Bumgardner Biological Consulting for field work on the black rail and/or clapper rail obtain an appropriate State scientific collecting permit (SCP) to take birds prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to take the rail to Bumgardner Biological Consulting through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the research proposed by Mr. Bumgardner is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Nongame Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007
PROPOSED RESEARCH ON A
FULLY-PROTECTED SPECIES:
Taking the Salt-Marsh Harvest Mouse

The Department of Fish and Game (Department) is evaluating a proposal received from Dr. Michael L.

Morrison, Bishop, California, for authorization to take, for research purposes and consistent with conservation and recovery of the species, the salt-marsh harvest mouse (*Reithrodontomys raviventris*) (mouse). The mouse is a Fully Protected species of mammal. The proposed initial activity consists of capturing, or attempting to capture, the mouse, using live-traps, to determine the distribution and status of local populations.

For the purpose of allowing take of mammals which are native to California, the Department would require that Dr. Morrison and each person employed by him for field work on the mouse obtain a State scientific collecting permit (SCP) to take mammals prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization for taking the mouse to Dr. Morrison through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of a Fully Protected species of mammal after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the research proposed by Dr. Morrison is consistent with the requirements of FGC Section 4700 for take of Fully Protected mammals, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Nongame Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

DEPARTMENT OF FISH AND GAME

Public Interest Notice for Publication
on April 20, 2007
PROPOSED RESEARCH ON A
FULLY-PROTECTED SPECIES:
Taking the Yuma Clapper Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Mr. Wayne King, on behalf of the Colorado River District, U. S. Bureau of Land Management, Lake Havasu City, Arizona, for authorization to take, for research purposes and consistent with conservation and recovery of the species, the Yuma clapper rail (*Rallus longirostris yumanensis*) (rail) in California. The rail is a Fully Protected species of bird. The proposed initial activity consists of searching for vocalizing individuals of the rail, employing broadcasts of recorded, species-specific vocalizations,

to determine distribution and status of local populations. Persons employed by the Colorado River District for this purpose would collect data by interpreting calls received from marsh birds responding to the broadcast.

For the purpose of allowing take of birds which are native to California, the Department would require that each person employed by the Colorado River District for field work on the rail obtain an appropriate State scientific collecting permit (SCP) to take birds prior to beginning work. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to take the rail to the Colorado River District through specific written conditions in a Memorandum of Understanding or other type of special permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the research proposed by Mr. King is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, the Department would issue the authorization on or after May 21, 2007, for an initial term not to exceed five years. For further information, contact Dr. John Gustafson, Nongame Unit, Wildlife Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 327-8847.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

NOTICE OF PUBLIC COMMENT PERIOD

ON

**TOXIC AIR CONTAMINANTS PROGRAM —
PROPOSAL FOR THE ADOPTION OF A
UNIT RISK FACTOR FOR ETHYLBENZENE**

April 10, 2007

The Office of Environmental Health Hazard Assessment (OEHHA) is soliciting public comments on a draft document describing a unit risk factor for estimating

lifetime cancer risk associated with inhalation of ethylbenzene. This draft document has been developed by OEHHA for use in implementing the programs for Toxic Air Contaminants (Health and Safety Code Section 39650 et seq.) and Air Toxics Hot Spots (Health and Safety Code Section 44300 et seq.).

Ethylbenzene, a widespread atmospheric contaminant, is a constituent of various fuels and other hydrocarbon mixtures, and is also emitted by various combustion processes. It is suspected of causing cancer and other adverse health impacts. Ethylbenzene is a Toxic Air Contaminant identified by the California Air Resources Board in 1993 pursuant to Health and Safety Code Section 39657(b).

OEHHA's proposed unit risk factor is based on the results of recent studies by the National Toxicology Program. The document describes toxicity data on ethylbenzene, and the derivation of the unit risk factor. This toxicity summary, if approved, will be included as an addendum to the *Air Toxics Hot Spots Program Risk Assessment Guideline, Part II: Technical Support Document for Describing Available Cancer Potency Factors*. OEHHA is seeking comments on this document, including its clarity, and the appropriateness of the methodology and data on which the unit risk is based. Following this public comment period, the document and any comments received, along with OEHHA's response to these comments, will undergo review by the state's Scientific Review Panel on Toxic Air Contaminants.

The draft document on ethylbenzene becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on April 23, 2007. The availability of the document on this site will commence a 60 day public review period that will end on June 1, 2007.

A public workshop will be held starting at 10 a.m. on Wednesday, May 23, 2007, in Room 15 (second floor) of the Elihu Harris State Office Building, 1515 Clay St., Oakland, CA.

Please direct any inquiries concerning technical matters or availability of this document to Dr. Andrew G. Salmon at (510) 622-3191 or e-mail to asalmon@oehha.ca.gov.

Please direct your comments, in writing, regarding the document to:

Dr. Andrew G. Salmon
Chief, Air Toxicology and Risk Assessment Section
Office of Environmental Health Hazard Assessment
1515 Clay St., 16th Floor
Oakland, CA 94612.

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board's web page at <http://www.arb.ca.gov/srp/srp.htm>.

PROPOSITION 65**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT****CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT****SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)****NOTICE TO INTERESTED PARTIES
April 20, 2007****CAS NUMBER CORRECTION TO THE
LISTING OF THE CHEMICAL DOXORUBICIN
HYDROCHLORIDE KNOWN TO THE
STATE TO CAUSE CANCER AND
REPRODUCTIVE TOXICITY**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental

Protection Agency is making a correction to the listings of the chemical *doxorubicin hydrochloride (Adriamycin)* (CAS No. 23214-92-8).

Doxorubicin hydrochloride (Adriamycin) was listed as a chemical known to cause cancer on July 1, 1987. It was also listed as known to cause developmental and male reproductive toxicity on January 29, 1999. It was recently brought to the attention of OEHHA that the chemical was listed with the wrong Chemical Abstract Service (CAS) number, (CAS No. 23214-92-8) for each endpoint, cancer and reproductive toxicity. Accordingly, OEHHA revises both listings of the chemical, *doxorubicin hydrochloride (Adriamycin)*, as known to cause cancer and known to cause developmental and male reproductive toxicity, with the correct CAS number, which is 25316-40-9. The effective dates of the chemical listings under the two endpoints remain the same.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Cancer

Chemical	CAS No.	Toxicological Endpoint	Date of Listing
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	cancer	July 1, 1987

Reproductive Toxicity

Chemical	CAS No.	Toxicological Endpoint	Date of Listing
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	developmental male reproductive	January 29, 1999

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO
CAUSE CANCER OR REPRODUCTIVE
TOXICITY APRIL 20, 2007

The Safe Drinking Water and Toxic Enforcement Act
of 1986 requires that the Governor revise and republish

at least once per year the list of chemicals known to the
State to cause cancer or reproductive toxicity. The iden-
tification number indicated in the following list is the
Chemical Abstracts Service (CAS) Registry Number.
No CAS number is given when several substances are
presented as a single listing. The date refers to the initial
appearance of the chemical on the list. For easy refer-
ence, chemicals which are shown underlined are newly
added. Chemicals which are shown with a strikeout
were placed on the list with the date noted, and have
subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2; [2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allylchloride Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998

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D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N' -Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloropropene	542-75-6	January 1, 1989
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3' -Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3' -Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989

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Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
Fumonisin B ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclo	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Ganciclovir sodium	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrdo[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrdo[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxafutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4'-Methylenedianiline	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7;	October 1, 1989
	12125-56-3	
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987

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Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994

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Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono-t-butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zileuton	111406-87-2	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	<u>12122-67-7</u>	<u>January 1, 1990</u>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminogluthethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
1-Bromopropane	male		January 17, 2003
2-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
Bromoxynil	female, male	75-26-3	May 31, 2005
Bromoxynil octanoate	developmental	1689-84-5	October 1, 1990
Butabarbital sodium	developmental	1689-99-2	May 18, 1999
1,3-Butadiene	developmental	143-81-7	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental, female, male	106-99-0	April 16, 2004
Butyl benzyl phthalate (BBP)	developmental	55-98-1	January 1, 1989
Cadmium	developmental	85-68-7	December 2, 2005
Carbamazepine	developmental, male	—	May 1, 1997
Carbon disulfide	developmental	298-46-4	January 29, 1999
Carbon monoxide	developmental, female, male	75-15-0	July 1, 1989
Carboplatin	developmental	630-08-0	July 1, 1989
Chenodiol	developmental	41575-94-4	July 1, 1990
Chlorambucil	developmental	474-25-9	April 1, 1990
Chlorcyclizine hydrochloride	developmental	305-03-3	January 1, 1989
Chlordecone (Kepone)	developmental	1620-21-9	July 1, 1987
Chlordiazepoxide	developmental	143-50-0	January 1, 1989
Chlordiazepoxide hydrochloride	developmental	58-25-3	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	438-41-5	January 1, 1992
Chlorsulfuron	developmental	13010-47-4	July 1, 1990
Cidofovir	developmental, female, male	64902-72-3	May 14, 1999
Cladribine	developmental, female, male	113852-37-2	January 29, 1999
Clarithromycin	developmental	4291-63-8	September 1, 1996
Clobetasol propionate	developmental	81103-11-9	May 1, 1997
Clomiphene citrate	developmental, female	25122-46-7	May 15, 1998
Clorazepate dipotassium	developmental	50-41-9	April 1, 1990
Cocaine	developmental	57109-90-7	October 1, 1992
Codeine phosphate	developmental, female	50-36-2	July 1, 1989
Colchicine	developmental	52-28-8	May 15, 1998
Conjugated estrogens	developmental, male	64-86-8	October 1, 1992
Cyanazine	developmental	—	April 1, 1990
Cycloate	developmental	21725-46-2	April 1, 1990
Cyclohexanol	developmental	1134-23-2	March 19, 1999
<u>Delisted January 25, 2002</u>	male	108-93-0	November 6, 1998
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene thiourea	developmental	96-45-7	January 1, 1993
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouraci	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir sodium	developmental, male	82410-32-0	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
	male	36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: April 20, 2007

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
April 20, 2007**

**CHEMICAL LISTED EFFECTIVE April 20, 2007
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE REPRODUCTIVE TOXICITY**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *di-isodecyl phthalate*

(*DIDP*) (CAS No. 68515-49-1 and 26761-40-0) to the list of chemicals known to the state to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65¹). The listing of *di-isodecyl phthalate* (*DIDP*) is effective **April 20, 2007**.

Di-isodecyl phthalate (*DIDP*) (CAS No. 68515-49-1 and 26761-40-0) is being listed as a chemical known to the State of California to cause developmental toxicity. The listing of this chemical is based on formal identification by an authoritative body, in this case, the National Toxicology Program, in final reports of the National Toxicology Program's Center for the Evaluation of Risks to Human Reproduction ("NTP-CERHR") which conclude that the chemical causes developmental toxicity. The criteria used by OEHHA for the listing of chemicals under the "authori-

¹Health and Safety Code section 25249.5 et seq.

tative bodies” mechanism can be found in Title 22, Cal. Code of Regs., section 12306.

The reader is directed to the Notice of Intent to List *di-isodecylphthalate (DIDP)* (CAS Nos. 68515-49-1 and 26761-40-0) published in the March 4, 2005 issue of the *California Regulatory Notice Register* (Register 2005, No. 9-Z) for the documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for this chemical.

OEHHA analysis of dose-response data to establish

Reproductive Toxicity

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Di-isodecyl phthalate (DIDP)	68515-49-1 26761-40-0	Developmental toxicity	AB

¹Listing mechanism: AB — “authoritative bodies” mechanism (Title 22, Cal. Code of Regs. section 12306)

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS**

(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

**2007 OAL Determination No. 5
(OAL File # CTU 06-0906-02)**

**REQUESTED BY: MICHAEL MERINO
CONCERNING: DEPARTMENT OF GENERAL
SERVICES — DIVISION OF
STATE ARCHITECT — POLICY
06-01 — RETENTION OF ORIGINAL DOCUMENTS**

**DETERMINATION ISSUED
PURSUANT TO GOVERNMENT
CODE SECTION 113403.5**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California

the maximum allowable dose level (MADL) for *di-isodecyl phthalate (DIDP)* (CAS No. 68515-49-1 and 26761-40-0) under Proposition 65 has not yet been conducted. The priority status for the development of such analysis will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to whether the challenged rule violates the prohibition in Government Code section 11340.5^{1,2} and is an “underground regulation” as defined in Title 1, California Code of Regulations, section 250.³ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

ISSUE

The sole issue for OAL is whether Policy 06-01, entitled “Record Sets”, which contains procedures established by the Department of General Services, Division of State Architect (DSA) for approving kindergarten through 12th grade or community college plans or specifications and returning those plans or specifications to the submitting architect or engineer, violates Government Code section 11340.5 and constitutes an underground regulation.

DETERMINATION

Policy 06-01 is a building standard required to be filed with the Secretary of State pursuant to Health and Safety Code section 18938, rather than Chapter 3.5 of

¹ See section entitled **Underground Regulations** for the text of Government Code section 11340.5.

² Unless specified otherwise code references are to the California Government Code.

³ See section entitled **Underground Regulations** for the text of Title 1, Cal. Code Regs., section 250.

the APA. For this reason, section 11340.5, subdivision (a), does not apply to Policy 06–01, and thus, OAL cannot find Policy 06–01 to be an underground regulation under section 11340.5, subdivision (b).

FACTUAL BACKGROUND

On September 6, 2006, Mr. Michael Merino (Petitioner) submitted a petition to OAL, alleging that DSA employs an underground regulation in violation of section 11340.5. The alleged underground regulation is Policy 06–01, entitled “Record Sets” (Policy 06–01). Policy 06–01 states that

“The purpose of this policy is to implement the statutory requirements of Section 17304 of the California Education Code and provide guidance pending revision of the regulations in Section 4–318 of Title 24, Part 1. The Education Code requires the creation of a copy (known as the Record Set) of the final approved set of plans and specifications, by the Department of General Services, at client expense.”

Education Code section 17304 applies to the approval of a kindergarten through 12th grade or community college building plan or specification. Section 4–318 of Title 24 of the Building Standards Code, permitted the client to retain the building plan or specification and provide a copy of the approved documents to DSA.

Policy 06–01 requires that the plans and specifications be held by DSA until an official Record Set is made. Within five working days the original documents are initialed and dated by DSA and made available to return to the submitting architect or engineer. Policy 06–01 requires the submittal of a form (DSA–145) that indicates how the originals will be retrieved — in person or via delivery. In the case of delivery the submitting architect or engineer must sign a statement exempting the state from liability in the event of any damage or loss. The approval letter will be issued no later than five working days after the documents have been approved. According to Policy 06–01, DSA is not currently charging for the creation of the Record Set, but they reserve the right to do so at a later date.

PETITIONER’S ARGUMENT

The Petitioner argues that the use of Policy 06–01 is an underground regulation. The Petitioner also argues that Policy 06–01 encompasses a seizure of his professional private property. This Determination will address only the issues raised by the Petitioner’s challenge to an alleged underground regulation. OAL has no authority to make a decision on whether Policy 06–01 results in a seizure of professional private property.

DSA RESPONSE

In its reply to the petition, DSA argues:

1. The petition is outside the scope of OAL’s jurisdiction. DSA asserts that Policy 06–01 is exempt from OAL review because it is a building standard. DSA is charged with providing design and construction oversight for kindergarten through 12th grade schools as well as community colleges. This requires DSA to adopt building standards applicable to these schools. The Building Standards Commission is charged with approving building standards. Therefore, DSA contends that Policy 06–01 is not subject to review by OAL.
2. That Policy 06–01 is simply a restatement of existing law and therefore is the only legally tenable interpretation of the relevant statute.⁴

UNDERGROUND REGULATIONS

Section 11340.5 prohibits state agencies from issuing rules unless the rules comply with the Administrative Procedure Act (APA). It states as follows:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter [Chapter 3.5].

(b) If the office is notified of, or on its own, learns of the issuance, enforcement of, or use of, an agency guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule that has not been adopted as a regulation and filed with the Secretary of State pursuant to this chapter [Chapter 3.5], the office may issue a determination as to whether the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, is a regulation as defined in Section 11342.600.

....

When an agency employs a rule in violation of section 11340.5 it is employing an underground regulation.

⁴ OAL notes that Policy 06–01 does not repeat any language in Education Code section 17304 or any other statute or regulation, and cannot, therefore, be a restatement of existing law. Additionally, there are a number of ways in which the records could be handled and returned, so Policy 06–01 is not the only legally tenable interpretation of Education Code section 17304.

“Underground regulation” is defined in Title 1, Cal. Code Regs. § 250 as follows:

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

OAL is empowered to issue a determination as to whether or not an agency employs an underground regulation pursuant to section 11340.5, subdivision (b). An OAL determination that an agency is using an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference”⁵ in any subsequent litigation of the issue.

ANALYSIS

Government Code section 11340.5 prohibits a state agency from employing a rule which has not “. . . been filed with the Secretary of State pursuant to [Chapter 3.5].” Section 11343, which is found in Chapter 3.5, states:

Every state agency shall:

(a) Transmit to the office for filing with the Secretary of State a certified copy of every regulation adopted or amended by it except one that is a building standard.

....

(e) Transmit to the California Building Standards Commission for approval a certified copy of every regulation, or order of repeal of a regulation, that is a building standard, together with a citation of authority pursuant to which it or any part thereof was adopted, a copy of the notice of proposed action required by Section 11346.4, and any other records prescribed by the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).

Section 18938 of the Health and Safety Code requires building standards to be filed with the Secretary of State. Subdivision (a) of section 18938 provides:

(a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California

Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.

As provided in the California Building Standards Law (Health and Safety Code sections 18901 through 18949.6), the Building Standards Commission (BSC) is responsible for reviewing and approving building standards proposed and adopted by state agencies. BSC codifies and publishes the approved building standards in one comprehensive state building standards code (California Code of Regulations, Title 24). DSA, among other state agencies, may propose building standards (other than emergency standards) only via annual building code adoption cycle process.⁶

California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code, is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California Legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

Section 11356⁷ of the APA exempts building standards from OAL review, but requires building standards to comply with Article 5 of the APA.⁸ If Policy 06–01 is a building standard, as argued by DSA, it is the responsibility of BSC to review and approve it.

Health and Safety Code section 18909 defines a “building standard” in part as

⁶ For a detailed discussion of the process used to adopt a building standard, refer to www.bsc.ca.gov.

⁷ Government Code section 11356 provides:

(a) Article 6 (commencing with Section 11349) is not applicable to a building standard.

(b) Article 5 (commencing with Section 11346) is applicable to those building standards, except that the office shall not disapprove those building standards nor refuse to publish any notice of proposed building standards if either has been approved by, and submitted to, the office by the California Building Standards Commission pursuant to Section 18935 of the Health and Safety Code.

⁸ There are several other general APA exemptions and other agency-specific exemptions, but they are not relevant to this discussion.

⁵ *Grier v. Kizer* 219 Cal.A pp.3d 422, 268 Cal.Rptr. 244; 1990.

(a) “Building standard” means any rule, regulation, order, or other requirement, including any amendment or repeal of that requirement, that specifically regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building, structure, factory-built housing, or other improvement to real property, including fixtures therein, and as determined by the commission.

(b) Except as provided in subdivision (d), “building standard” includes architectural and design functions of a building or structure, including, but not limited to, number and location of doors, windows, and other openings, stress or loading characteristics of materials, and methods of fabrication, clearances, and other functions.

....

The question is whether Policy 06–01 is properly classified as a “building standard.” Unfortunately, Health and Safety Code section 18909 has not been fully interpreted by a court or other secondary sources. In *International Association of Plumbing and Mechanical Officials, et al. v California Building Standards Commission*, 55 Cal.App.4th 225, (1997), the court paraphrased Health and Safety Code section 18909 as follows:

A building standard is, in essence, a rule, regulation, order, or other requirement which regulates, requires, or forbids the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair or rehabilitation of buildings, structures, or other improvements to real property. (§ 18909, subd. (a).)

However, this language includes only subdivision (a), not subdivision (b) which includes “architectural and design functions.” We must, therefore, look to the specific circumstances surrounding the DSA and building standards.

DSA has jurisdiction over all aspects of construction for certain schools and essential services buildings to ensure that plans, specifications, and construction comply with the building code (Title 24 of the California Code of Regulations).⁹ DSA provides plan review and construction oversight for all construction on the following facilities:

- Public elementary and secondary schools (grades K–12)
- Public community colleges
- All state-owned or state-leased essential services buildings¹⁰

All construction, including plans and specifications, must be reviewed and approved by DSA (except for specified exceptions that are not relevant here) before a contract for construction can be awarded. The processes and procedures for review and approval are set forth in Title 24, the Building Standards Code.¹¹

The Building Standards Code currently contains section 4–318, entitled “Procedure for Approval of Application and Voidance of Application.” This section contains the requirements for the copying and returning of plans which DSA enforced before issuing Policy 06–01. Section 4–318 states, in relevant part:

4–318. Procedure for Approval of Application and Voidance of Application.

(a) General. After DSA has completed its check of the documents submitted with the application, the checked prints of the plans and specifications, with the items marked for corrections and/or requests for additional information noted thereon, shall be returned to the responsible architect or registered engineer. When plans and/or specifications require extensive corrections, a corrected set of prints of the plans and specifications shall be submitted for review if requested by DSA.

When the requested corrections have been made and/or the additional information has been provided by the responsible architect or registered engineer, an employee representative of the architect or registered engineer shall return the check set of plans and specifications along with the original plan tracings, the corrected specification pages and specification master cover sheet to DSA for backchecking. . . .

Building standard section 4–318 was properly approved by BSC to be adopted as part of the Building Standards Code, Title 24.¹² It is for this section that

¹⁰ For a more complete discussion of DSA’s function, see the DSA web site: <http://www.dsa.dgs.ca.gov/ProjectSubmittalProcess/juris.htm> (as of March 27, 2007).

¹¹ Refer to Sections 101.17 and 101.17.12 of Part 2, Title 24 for more information regarding the scope and application of DSA adopted regulations. <http://www.dsa.dgs.ca.gov/CodeChanges/default.htm> (as of March 27, 2007).

¹² See Title 24 section 4–318. Procedure for Approval of Application and Voidance of Application.

⁹ Education Code sections 17280–17317, 17365–17374 and 81130–81147.

Policy 06–01 is, by its terms, intended to “provide guidance.”

Health and Safety Code section 18942.1 subdivision (b)¹³ requires BSC to send a proposal by a state agency to adopt a building standard to OAL if the proposal does not deal directly with the implementation or enforcement of a building standard. DSA’s procedure for dealing with architectural plans was approved by the BSC and not referred to OAL. Policy 06–01 is intended to provide guidance to the implementation of section 4–318. Therefore, in light of the approval by the BSC of building standard section 4–318 and the fact that Policy 06–01 is expressly intended to provide guidance for section 4–318, OAL finds that Policy 06–01 is a building standard.

Pursuant to Section 11343, building standards must be filed with the Secretary of State in compliance with the State Building Standards Law (Part 2.5 (commencing with section 18901) of Division 13 of the Health and Safety Code). The Building Standards Law at section 18938 of the Health and Safety Code provides:

(a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the [Building Standards Commission] and shall not be published in any other title of the California Code of Regulations.

Building standards, then, are filed with the Secretary of State by the BSC pursuant to Health and Safety Code section 18938. They are not filed with the Secretary of State by OAL pursuant to section 11343, which is in Chapter 3.5 of the APA. Section 11340.5 limits the prohibition against “underground regulations” to those that should have been filed with the Secretary of State pursuant to Chapter 3.5. Therefore, because Policy 06–01 is a building standard and is not required to be filed with the Secretary of State pursuant to Chapter 3.5, section 11340.5, subdivision (a), does not apply, and thus, OAL cannot find it to be an underground regulation under section 11340.5, subdivision (b).

We note, however, that while OAL cannot find that Policy 06–01 is an underground regulation, proposed building standards must comply with the requirements established for the adoption of building standards. The

requirements for the adoption of a building standard are under the authority of BSC and the validity of Policy 06–01 is under the jurisdiction of BSC. DSA has indicated that they plan to amend this “inaccurate and confusing section (4–318) which is in conflict with the requirements in Policy 06–01 in the next model code cycle.”

CONCLUSION

Policy 06–01 is a building standard required to be filed with the Secretary of State pursuant to Health and Safety Code section 18938, rather than Chapter 3.5 of the APA. For this reason, section 11340.5, subdivision (a), does not apply to Policy 06–01, and thus, OAL cannot find Policy 06–01 to be an underground regulation under section 11340.5, subdivision (b).

Date: April 6, 2007

Kathleen Eddy
Senior Counsel

Linda C. Brown
Deputy Director

Peggy J. Gibson
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DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

¹³ Health and Safety Code section 18942.1(b) provides:

(b) If an administrative regulation or order of repeal is filed with the commission and it does not directly apply to the implementation or enforcement of a building standard, it shall not be submitted to the commission for action, but, instead, the commission shall transmit the regulations to the Office of Administrative Law and notify the submitting agency of this action.

PHYSICIAN ASSISTANT COMMITTEE

STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

In re:

**AGENCY: PHYSICIAN ASSISTANT
COMMITTEE**

REGULATORY ACTION:
Title 16,
California Code of Regulations
Amend section 1399.540

**DECISION OF DISAPPROVAL
OF REGULATORY ACTION**

(Government Code section 11349.3)

OAL File No. 07-0221-02 S

SUMMARY OF REGULATORY ACTION

The Physician Assistant Committee (Committee) proposed amendment to Title 16, California Code of Regulations (CCR) section 1399.540(a) to specify a requirement that the written delegation of medical services already required in this subdivision be signed and dated by the supervising physician and the physician assistant and to formally name the document a delegation of services agreement.

On April 4, 2007, the Office of Administrative Law (OAL) disapproved this regulatory action and notified the Committee of the disapproval. OAL disapproved the action because the imposition of a requirement that appears to affect the scope of practice of the supervising physician and their physician assistant under their respective licenses exceeds the authority granted to the Committee by the Legislature. Accordingly, the action failed to satisfy the authority standard required by Government Code section 11349.1.

April 11, 2007

RICHARD L. SMITH
Staff Counsel

For: **LINDA C. BROWN**
Deputy Director

Original: Elberta Portman, Executive Director, Physician Assistant Committee
Cc: Laura Freedman, Staff Counsel, Dept. of Consumer Affairs

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF CHIROPRACTIC EXAMINERS
Cardiopulmonary Resuscitation/Basic Life Support

This regulatory action repeals section 356.1, a requirement that Doctors of Chiropractic maintain current CPR/Basic Life Support certification from the American Red Cross, American Heart Association, or "other associations approved by the Board."

Title 16
California Code of Regulations
REPEAL: 356.1
Filed 04/09/07
Effective 05/09/07
Agency Contact:
Michael E. Hamilton (916) 263-5373

BOARD OF EDUCATION
Charter School Closures

This rulemaking action would establish clear procedures to be implemented in the event of the closure of a charter school. The law requires a petition for a charter school to include a reasonably comprehensive description of the procedures to be used if the charter school closes. These regulations would require the designation of a responsible entity to conduct closure-related activities; specify the parties to be notified and the minimum information to be included in a notification of closure; and identify funding for closure activities.

Title 5
California Code of Regulations
ADOPT: 11962, 11962.1
Filed 04/09/07
Effective 05/09/07
Agency Contact: Debra Strain (916) 319-0641

BOARD OF EQUALIZATION
Automobile Dealers and Sales Representatives

In this "changes without regulatory effect" filing, the State Board of Equalization amends a Sales and Use Tax regulation entitled "Automobile Dealers and Sales

Representatives” to include contract cancellation option agreement provisions pursuant to Vehicle Code section 11713.21 and Revenue and Taxation Code section 6012.3, as these statutes were adopted in the “Car Buyer’s Bill of Rights” (Assembly Bill 68, Chapter 128, Statutes of 2005).

Title 18
California Code of Regulations
AMEND: 1566
Filed 04/10/07
Effective 04/10/07
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION Returns, Defects and Replacements

In this “changes without regulatory effect” filing, the State Board of Equalization amends a Sales and Use Tax regulation entitled “Returns, Defects and Replacements” to include contract cancellation option agreement provisions pursuant to Vehicle Code section 11713.21 and Revenue and Taxation Code section 6012.3, as these statutes were adopted in the “Car Buyer’s Bill of Rights” (Assembly Bill 68, Chapter 128, Statutes of 2005).

Title 18
California Code of Regulations
AMEND: 1655
Filed 04/10/07
Effective 04/10/07
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF PSYCHOLOGY Waiver of Examination Under Section 2946

This action exempts applicants certified by the American Board of Professional Psychology (ABPP) with additional specified education and experience from having to pass the Examination for Professional Practice in Psychology (EPPP) as a prerequisite for licensure as a psychologist in California.

Title 16
California Code of Regulations
AMEND: 1388.6, 1381.5
Filed 04/09/07
Effective 05/09/07
Agency Contact: Kathy Bradbury (916) 263-0712

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES Security Guard Training Courses

This regulatory action raises the registration fee and registration renewal fee for security guards and makes revisions to the training courses for security guards.

Title 16
California Code of Regulations
AMEND: 640, 643
Filed 04/09/07
Effective 05/09/07
Agency Contact:
Noreene DeKoning (916) 322-7530

CALIFORNIA STATE UNIVERSITY Student Code (Hazing)

California State University is adding a reference citation to their regulation concerning “hazing.”

Title 5
California Code of Regulations
AMEND: 41301
Filed 04/06/07
Effective 04/06/07
Agency Contact:
Deanna L. Thompson (562) 951-4495

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Community Development Block Grant Program

This rulemaking action would permit the Department of Housing and Community Development to make emergency Community Development Block Grant (CDBG) funding available to otherwise eligible applicants in areas proclaimed to be disasters by the Governor as a result of the freeze that occurred in mid-January 2007. It would expedite the funding process by waiving the usual program evaluation criteria and make the funds available immediately rather than waiting for next year’s funding cycle, which would otherwise be required. This process would be available for future disasters as well.

Title 25
California Code of Regulations
ADOPT: 7065.5
Filed 04/05/07
Effective 04/05/07
Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF INSURANCE

Workers’ Compensation Pure Premium Rates

This rulemaking makes changes to the Department Of Insurance’s Uniform Statistical Reporting Plan—1995, the Experience Rating Plan—1995, and Miscellaneous Regulations for the Recording and Reporting of Data. They are exempt from the Office of Administrative Law’s review pursuant to Government Code section 11340.9(g) [establishing or fixing of rates, prices, or tariffs]. They are filed with the Secretary of State and a history note is published in the California Code of Regulations (CCR). The substantive provi-

sions are not published in the CCR but are available from the Workers' Compensation Insurance Rating Bureau of CA.

Authority: Government Code Section 11343.8

Title 10

California Code of Regulations

AMEND: 2318.6, 2353.1, 2354

Filed 04/11/07

Effective 01/01/07

Agency Contact:

Christopher A. Citko (916) 492-3187

STATE WATER RESOURCES CONTROL BOARD

Petition of reconsideration

This change without regulatory effect amends sections dealing with the filing of petitions with the Board and reconsideration of decisions and orders by the Board. These changes correct typos, cross-references, and Reference citations.

Title 23

California Code of Regulations

AMEND: 737, 768, 769, 770, 771, 852

Filed 04/06/07

Agency Contact: Marianna Aue (916) 341-4440

STEPHEN P. TEALE DATA CENTER

Conflict of Interest Code for the Department of Technology Services

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2

California Code of Regulations

AMEND: 28010 REPEAL: 36000

Filed 04/04/07

Effective 05/04/07

Agency Contact: Leanne Maucieri (916) 464-0324

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN NOVEMBER 08, 2006 TO
APRIL 11, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

04/04/07 AMEND: 28010 REPEAL: 36000
03/27/07 AMEND: 59560
03/20/07 ADOPT: 18746.3
03/15/07 AMEND: div. 8, ch. 102, section 59100
03/14/07 AMEND: div. 8, ch. 73, section 56200
03/01/07 AMEND: 21922
02/28/07 AMEND: 714
02/16/07 AMEND: 1859.2, 1859.76, 1859.83,
1859.163.1, 1859.167, 1859.202, 1866
02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566,
2567
01/26/07 ADOPT: 599.550, 599.552, 599.553,
599.554 AMEND: 599.500
01/19/07 ADOPT: 18531.62, 18531.63, 18531.64
AMEND: 18544
01/11/07 AMEND: 1894.4, 1896.12
01/09/07 AMEND: 18707.1
01/09/07 ADOPT: 18530.3
01/09/07 ADOPT: 18534
01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106
12/22/06 AMEND: 21906
12/18/06 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943
12/18/06 ADOPT: 18421.3
12/18/06 AMEND: 18312, 18316.5, 18326,
18401, 18521, 18537.1, 18704.5,
18705.5, 18730, 18746.2
12/18/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,
1859.78.5
12/18/06 AMEND: 18545
12/14/06 ADOPT: 18707.10
12/13/06 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75, 20108.80

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04/03/07 AMEND: 3591.20(a), 3591.20(b)
04/02/07 AMEND: 752, 796.6, 1301
03/28/07 AMEND: 3591.2(a)
03/27/07 ADOPT: 1446.9, 1454.16
03/21/07 ADOPT: 3591.20
03/15/07 ADOPT: 1371, 1371.1, 1371.2
03/07/07 AMEND: 3423(b)
03/06/07 AMEND: 3700(c)
02/15/07 ADOPT: 499.5, 513, 513.5 AMEND:
498, 499, 500, 501, 502, 504, 505, 509,
510, 511, 512, 512.1, 512.2, 514, 515,
516, 517, 525, 551, 552, 553, 554, 604.1
REPEAL: 499.5, 503, 506, 508, 512.3,

527, 536, 537, 538, 539, 540, 541, 543,
544, 546, 547, 550
02/14/07 AMEND: 3700(c)
02/08/07 AMEND: 3433(b)
02/08/07 AMEND: 6170, 6172, 6200
02/07/07 AMEND: 6170, 6172, 6200
01/31/07 AMEND: 3591.12(a)
01/24/07 AMEND: 3591.13(a)
01/18/07 AMEND: 3433(b)
01/18/07 AMEND: 3433(b)
01/18/07 AMEND: 3800.1, 3800.2
01/18/07 AMEND: 3423(b)
01/09/07 AMEND: 3433(b)
01/08/07 AMEND: 3591.6(a)
01/08/07 AMEND: 3591.2(a)
01/05/07 AMEND: 3433(b)
01/05/07 AMEND: 6625
01/05/07 AMEND: 3406(b)
01/03/07 AMEND: 3424(b)
12/20/06 AMEND: 3433(b)
12/20/06 AMEND: 3423(b)
12/19/06 ADOPT: 6310, 6312, 6314 AMEND:
6170
12/06/06 AMEND: 3700(c)
12/06/06 AMEND: 3591.6
11/30/06 ADOPT: 6128 AMEND: 6130
11/16/06 AMEND: 3433(b)
11/13/06 AMEND: 3423(b)
11/08/06 AMEND: 3591.2(a)

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03/13/07 ADOPT: 7075, 7076, 7077, 7078, 7079,
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7086, 7087, 7088, 7089, 7090, 7091,
7092, 7093, 7094, 7095, 7096, 7097,
7098, 7099 REPEAL: 7000, 7001, 7002,
7003, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7014,
7015, 7016, 7017
02/08/07 ADOPT: 12341
02/08/07 ADOPT: 12550, 12552, 12554, 12556,
12558, 12560, 12562, 12564, 12566,
12568, 12572
01/31/07 AMEND: 12590
01/30/07 AMEND: 12358
01/30/07 AMEND: 12101, 12301.1, 12309
01/30/07 ADOPT: 12460, 12461, 12462, 12463,
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01/26/07 AMEND: 1433
01/17/07 ADOPT: 523
01/11/07 AMEND: 1536
12/05/06 AMEND: 1582
11/22/06 AMEND: 1544, 1658
11/16/06 ADOPT: 2422.1

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04/09/07 ADOPT: 11962, 11962.1
04/06/07 AMEND: 41301
03/29/07 AMEND: 42356
03/19/07 AMEND: 41301
03/19/07 AMEND: 41550
03/01/07 AMEND: 19816, 19851, 19852, 19853
02/28/07 AMEND: 80028, 80487
02/16/07 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7
02/08/07 ADOPT: 1000, 1000.1, 1000.2, 1000.3,
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01/17/07 ADOPT: 55151, 55151.5 AMEND:
55002, 55150, 58160
01/17/07 ADOPT: 58707 AMEND: 58704, 58770,
58771, 58773, 58774, 58776, 58777,
58779 REPEAL: 58706, 58775
01/10/07 AMEND: 55806
11/13/06 AMEND: 18013, 18054
11/08/06 AMEND: 850, 851, 852, 853, 854, 855,
857, 858, 859, 861, 862, 863, 864, 864.5,
865, 866, 867, 870 REPEAL: 850.5, 880,
881, 882, 883, 884, 886, 887, 888, 890,
891, 892, 893, 894, 895, 896, 897, 898,
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03/29/07 AMEND: 3664(a)
03/27/07 AMEND: 3291, 3292, 3295, 3296
03/06/07 AMEND: 1529, 1532, 1532.1, 1535,
5144, 5190, 5198, 5200, 5202, 5207,
5208, 5210, 5211, 5213, 5214, 5217,
5218, 5220, 8358
03/02/07 ADOPT: 1731 AMEND: 1730
03/01/07 AMEND: 1541
02/28/07 AMEND: 9789.40
02/21/07 AMEND: 9780, 9783
02/15/07 AMEND: 9789.11
12/29/06 AMEND: 1598, 1599
12/27/06 AMEND: 3385
12/21/06 AMEND: 5031
12/15/06 AMEND: 5006.1
11/14/06 AMEND: 6368
11/14/06 AMEND: 3482, 5161, 5178
11/08/06 AMEND: 17000 Appendix

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3200.070, 3200.080, 3200.090,
3200.100, 3200.110, 3200.120,
3200.130, 3200.140, 3200.150,
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3200.190, 3200.210, 3200.220,

	3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415		AMEND: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86
		12/22/06	ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8
		12/20/06	ADOPT: 2614, 2614.1, 2614.2, 2614.3, 2614.4, 2614.5, 2614.6, 2614.7, 2614.8, 2614.9, 2614.10, 2614.11, 2614.12, 2614.13, 2614.14, 2614.15, 2614.16, 2614.17, 2614.18, 2614.19, 2614.20, 2614.21, 2614.22, 2614.23, 2614.24, 2614.25, 2614.26, 2614.27
		12/19/06	AMEND: 2690.90, 2690.91, 2690.92, 2690.93, 2690.94
		12/13/06	ADOPT: 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46
		11/15/06	AMEND: 2697.6, 2697.61
		11/09/06	AMEND: 2498.5
		11/09/06	AMEND: 2534.27, 2534.28
11/21/06	AMEND: 9100		
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04/11/07	AMEND: 2318.6, 2353.1, 2354		
03/23/07	AMEND: 2695.8(b)(2)		
03/09/07	AMEND: 2498.6		
03/06/07	AMEND: 260.230, 260.231, 260.236.1, 260.241.4, 260.242 REPEAL: 260.231.2, 260.236.2		
01/23/07	ADOPT: 2183, 2183.1, 2183.2, 2183.3, 2183.4 REPEAL: 2691.18, 2691.19		
01/10/07	AMEND: 3528		
01/08/07	AMEND: 2698.52(c), 2698.53(b), 2698.56(c)		
01/03/07	ADOPT: 2642.4, 2643.8, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50 AMEND: 2642.5, 2642.6, 2642.7, 2643.6, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.10, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23, 2646.3, 2646.4, 2648.4 REPEAL: 2642.4, 2643.2, 2644.9, 2644.11		
12/29/06	AMEND: 2696.1, 2696.2, 2696.3, 2696.5, 2696.6, 2696.7, 2696.9, 2696.10 REPEAL: 2696.4, 2696.8		
12/29/06	ADOPT: 5327, 5357.1, 5358, 5358.1 AMEND: 5350, 5352		
12/29/06	AMEND: 2222.10, 2222.11, 2222.12, 2222.14, 2222.15, 2222.16, 2222.17, 2222.19 REPEAL: 2222.13		
12/29/06	AMEND: 2632.5(c)		
12/29/06	AMEND: 2651.1, 2661.1, 2661.3, 2662.1, 2662.3, 2662.5		
12/29/06	AMEND: 2052.1, 2052.4		
12/27/06	AMEND: 2498.6		
12/26/06	ADOPT: 2698.80, 2698.81, 2698.82, 2698.83, 2698.84, 2698.85, 2698.86, 2698.87, 2698.88, 2698.89, 2698.89.1		
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03/06/07	AMEND: 1070, 1082		
02/02/07	ADOPT: 9070, 9071, 9072, 9073, 9076, 9077, 9078 AMEND: 1005, 1018, 1055 REPEAL: 1011		
02/02/07	ADOPT: 999.40		
01/30/07	AMEND: 20		
01/25/07	AMEND: 30.5		
01/25/07	AMEND: 30.1		
01/19/07	AMEND: 1005, 1007, 1080		
12/21/06	AMEND: 48.6		
12/21/06	ADOPT: 80.3		
12/21/06	AMEND: 1070, 1081, 1082		
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03/26/07	ADOPT: 182.00, 182.01, 182. 02, Form REG 195 (REV. 2/2007) AMEND: Form REG 256 (REV. 9/2005)		
02/09/07	AMEND: 2702, 2703, 2704, 2706, 2707, 2709		
01/18/07	AMEND: 1961, 1976, 1978		
01/16/07	ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188		
12/27/06	ADOPT: 1300 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405,		

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12/13/06	AMEND: 553.70		
12/06/06	ADOPT: 2022, 2022.1		
12/01/06	ADOPT: 2479		
11/13/06	AMEND: 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446		
11/13/06	AMEND: 2445.2(a)		
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12/27/06	ADOPT: 93116.3.1 AMEND: 2452, 2456, 2461, 93115, 93116.2, 93116.3		
12/06/06	ADOPT: 2299.1, 93118		
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04/02/07	AMEND: 679		
03/27/07	AMEND: 11945		
03/27/07	AMEND: 11900		
03/26/07	AMEND: 2305, 2310, 2320		
03/21/07	AMEND: 7.50		
03/20/07	AMEND: 790, 815.01, 815.02, 815.03, 815.04, 815.05, 815.06, 815.07, 815.08, 815.09, 816.01, 816.02, 816.03, 816.04, 816.05, 816.06, 817.02, 817.03, 818.01, 818.02, 818.03, 819.01, 819.02, 819.03, 819.04, 819.06, 819.07, 820.01, 825.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.04, 826.05, 826.06, 827.01, 827.02	12/19/06	AMEND: 105.1, 120.01, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 231
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03/01/07	AMEND: 10121, 11900(a)(5)	12/01/06	AMEND: 163, 164
02/28/07	ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701	11/27/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
02/23/07	AMEND: 671.5	11/27/06	ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.34, 18660.35, 18660.36, 18660.37, 18660.38, 18660.39, 18660.41, 18660.42, 18660.43
02/16/07	AMEND: 10214, 10381, 10500, 10620, 11002, 11003, 11005	11/22/06	AMEND: 939.15, 959.15
02/13/07	AMEND: 53.03, 149, 149.1	11/16/06	AMEND: 916.5(e), 936.5(e), 956.5(e), 916.9, 936.9, 956.9
02/08/07	AMEND: 880	11/14/06	AMEND: 5101, 5104
02/05/07	ADOPT: 2990, 2995, 2997 AMEND: 2125, 2518	Title 14, 27	
01/18/07	ADOPT: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57 AMEND: 1.91, 27.60, 27.65, 27.83 (amend and renumber to 27.51), 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701 REPEAL: 27.67, 27.82	03/14/07	ADOPT: 21660.1, 21660.2, 21660.3, 21660.4, 21666 AMEND: 17388.3, 17388.4, 17388.5, 18077, 18083, 18104.1, 18104.2, 18104.7, 18105.1, 18105.2, 18105.9, 21563, 21570, 21580, 21620, 21650, 21660, 21663, 21665, 21675, 21685 REPEAL: 17383.10, 17388.6
12/28/06	ADOPT: 25231		
12/26/06	AMEND: 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1712, 1714, 1720, 1721, 1721.2, 1721.3, 1721.3.1, 1721.4, 1721.5, 1721.6, 1721.7, 1721.8, 1721.9, 1722, 1722.1.1, 1722.3, 1722.4, 1722.5, 1722.7, 1723, 1723.5, 1723.7,		

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02/23/07 AMEND: 3000, 3315, 3323, 3341.5
 02/05/07 ADOPT: 3999.3
 01/18/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0
 12/19/06 ADOPT: 3413.1 AMEND: 3413
 12/04/06 AMEND: 3041.2, 3053, 3177, 3331, 3375

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04/09/07 AMEND: 1388.6, 1381.5
 04/09/07 AMEND: 640, 643
 04/09/07 REPEAL: 356.1
 04/03/07 AMEND: 4202
 04/03/07 AMEND: 1399.101
 03/26/07 AMEND: 919
 03/26/07 ADOPT: 1784
 03/23/07 AMEND: 1399.151.1, 1399.160.2, 1399.160.3, 1399.160.4, 1399.160.5, 1399.160.6, 1399.160.7, 1399.160.9, 1399.160.10
 03/20/07 AMEND: 1803
 03/19/07 REPEAL: 942, 943, 944, 945, 946, 947, 948, 949, 950.6, 950.7, 966
 02/28/07 ADOPT: 1396.5
 02/23/07 REPEAL: 1712.2
 02/15/07 ADOPT: 1034.1 AMEND: 1021, 1028, 1034
 02/14/07 ADOPT: 1399.360 AMEND: 1399.302
 02/08/07 AMEND: 1397.12
 02/02/07 AMEND: 3356
 02/01/07 AMEND: 70
 01/31/07 AMEND: 884
 01/23/07 AMEND: 3305, 3306, 3307, 3308, 3309, 3310, 3315, 3316, 3320, 3321
 01/11/07 ADOPT: 2475
 01/10/07 AMEND: 974
 12/27/06 ADOPT: 1713 AMEND: 1717
 12/20/06 AMEND: 1397.61(b)
 12/18/06 ADOPT: 980.2, 980.3 AMEND: 980.1
 12/07/06 ADOPT: 1793.8 AMEND: 1793.7
 12/05/06 AMEND: 1397.12
 11/16/06 AMEND: 1351.5, 1352
 11/16/06 AMEND: 1397.60, 1397.61, 1397.62
 11/16/06 AMEND: 28
 11/16/06 ADOPT: 1399.170.20.1 AMEND: 1399.151.1
 11/15/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034
 11/15/06 AMEND: 4120, 4121, 4161, 4162
 11/08/06 AMEND: 4130

Title 17

03/01/07 AMEND: 30346.3, 30350.3
 02/28/07 ADOPT: 100500
 02/16/07 AMEND: 6540

01/09/07 AMEND: 93000
 01/08/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
 11/27/06 AMEND: 94010, 94011, 94167, and Incorporated Documents

Title 18

04/10/07 AMEND: 1566
 04/10/07 AMEND: 1655
 03/30/07 AMEND: 1571
 03/22/07 ADOPT: 4500, 4501, 4502, 4503, 4504, 4505, 4506, 4507, 4508, 4509, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4700, 4701, 4702, 4703
 03/08/07 AMEND: 1602
 01/23/07 AMEND: 25110
 01/03/07 AMEND: 1610
 01/03/07 AMEND: 1705.1
 11/13/06 AMEND: 1699, 1802

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03/28/07 AMEND: 906.2
 02/28/07 ADOPT: 574.4, 574.5, 574.6 AMEND: 557.1, 561.2, 565.2, 566, 568, 573, 574.1, 574.2, 574.3, 574.4, 574.5, 574.6, 575.1, 575.3, Table 4, 575.4, 578.1, 591.5, 594.3, 595.1, 596.1, 596.2 REPEAL: 574.4, 574.5, 574.6
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 03/12/07 AMEND: 4400(ee) REPEAL: 4407, 4425, 4441.5
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 02/23/07 AMEND: 100540
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